

**BOARD OF SUPERVISORS  
NORTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY  
PENNSYLVANIA**

**Ordinance 2008-01**

**SOLID WASTE**

**An ordinance of North Whitehall Township, Lehigh County, Commonwealth of Pennsylvania for the regulation and control of solid waste disposal; defining certain terms used herein; providing for regulations, exceptions, enforcement orders, responsibility of owners and operators, penalties, unlawful conduct, public nuisances, and validity.**

**COLLECTION OF MUNICIPAL SOLID WASTE**

**SECTION I. Title**

This ordinance shall be known and may be cited as the North Whitehall Township Solid Waste Disposal Ordinance of 2008 (2008-01).

**SECTION II. Authority**

The Board of Supervisors of the North Whitehall Township, under, and by virtue of and pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (MPC) and Second Class Township Code Act of May 1, 1933 (P.L. 103, No. 69) Reenacted and amended November 9, 1995 (P.L. 350, No. 60) As Amended do hereby enact and ordain this ordinance.

**SECTION III Definitions**

Definitions as used herein shall have the meanings as set forth below:

**EXTERIOR PROPERTY** - The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**LICENSED HAULER** - Any owner of a waste transportation vehicle licensed under Pennsylvania Act 90.

**OWNER** - Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Township of North Whitehall or otherwise having control of the property, including the guardian of an estate of such person and the executor or administrator of the estate of such person.

**MUNICIPAL WASTE** - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

**PERSON** - An individual, corporation, partnership or other group acting as a unit.

**PREMISES** - A lot, plot or parcel of land, including any structures thereon.

**TENANT** - A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**YARD** - An open space on the same lot with a structure.

#### **SECTION IV - Regulations**

##### **ACCUMULATION PROHIBITED**

All exterior property and premises and the interior of every structure shall be free from any accumulation of Municipal Waste.

##### **METHOD OF DISPOSAL**

The occupants of a structure shall dispose of all Municipal Waste in a clean and sanitary manner by placing such Municipal Waste in approved containers.

##### **CONTAINERS REQUIRED**

The owner of every dwelling shall supply approved leak proof, covered, outside garbage containers of sufficient number so that all garbage and refuse of all of the occupants of the premises can dispose of their municipal waste in a garbage container and so that no municipal waste is stored by any occupant of the premises outside of a garbage container at any time.

##### **STORAGE OF MUNICIPAL WASTE**

The owner of any premises shall provide at all times approved leak proof containers with close-fitting covers for the storage of municipal waste until such time as the municipal waste is removed from the premises for disposal.

##### **REMOVAL BY LICENSED HAULERS**

Every owner in North Whitehall Township shall contract with an individual, entity or firm which is a licensed hauler by the Commonwealth of Pennsylvania to have all the municipal waste generated on the premises by any of the occupants of the premises removed on a weekly basis or more often.

### **PROOF OF CONTRACT REQUIRED**

Whenever requested by the Township of North Whitehall, the owner of any real estate within North Whitehall Township shall present proof adequate in the judgment of the Zoning and Codes Enforcement Officer or other designee that the owner of said real estate has a current contract with a licensed hauler to dispose of municipal waste generated on the premises on a weekly basis or more often. The owner of the premises shall have 72 hours to provide proof to the Zoning and Codes Enforcement Officer or other designee that they have a current contract with a licensed hauler to provide sufficient service to satisfy the terms and conditions of this article.

### **DUTIES OF HAULERS**

Any hauler picking up municipal waste in North Whitehall Township, shall be required to advise North Whitehall Township in writing within 72 hours after request from the North Whitehall Township as to whether an owner has a current contract for municipal waste disposal from his premises in North Whitehall Township. Furthermore, all licensed haulers shall cooperate with North Whitehall Township's designee in providing information in the event that an action is instituted to enforce the terms and conditions of this article.

### **VIOLATIONS AND PENALTIES**

Any person who shall violate the terms or conditions of this article shall, upon conviction thereof, be subject to a fine of not more than \$300 and/or imprisonment for a term not to exceed 90 days, or both. Each day that a violation continues after notice of the violation has been served shall be deemed to be a separate offense.

### **COMPOST PILES**

Notwithstanding the terms of this article, compost piles kept by occupants or tenants of a structure shall not violate the terms and conditions of this article, provided that the materials in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the materials from the compost piles around the premises.

### **SECTION V. Validity**

The provisions of this ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

**Repealer.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed only to the extent of such inconsistency.

**SECTION VI. Effective Date**

This ordinance shall become effective on the 1st day of November 2008.

**DULY ENACTED AND ORDAINED** this 15th day of October, 2008 by the Board of Supervisors of North Whitehall Township, at a duly advertised, noticed, published and lawfully assembled regular public meeting and hearing.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
NORTH WHITEHALL TOWNSHIP**

BY: Brenda Norder  
Brenda Norder, Secretary

BY: Ronald E. Stahley  
Ronald E. Stahley, Chairman

(SEAL)

BY: Terry P. Stoudt  
Terry P. Stoudt, Supervisor

BY: Ronald J. Heintzelman  
Ronald J. Heintzelman, Supervisor